Towns County Herald

Legal Notices for March 27, 2013

NOTICE TO DEBTORS AND CREDITORS
STATE OF GEORGIA
COUNTY OF TOWNS
RE: Estate of Mary Burnett Strain
All debtors and creditors of the estate of Mary Burnett Strain, late of Towns County, Georgia, are hereby notified to render their demands and payments to the Executor of said Estate, according to law, and all persons indebted to said estate are required to make immediate payment to the Executor. This 28th day of February, 2013.
Jon Douglas Strain,
Personal Representative
700 Bell Street
Young Harris, GA 30582
706-379-3850
TDHerald-1,3,20,27/08

NOTICE OF 2ND DUI CONVICTION
Towns County Probate Court
Name of Offender: Justin Tyler Hammock
Address of Offender: 295 Show Mill Road, Hiawassee, GA 30546
County of Residence: Gwinnett
Date of Arrest: 10/06/12
Place of Arrest: Towns County
Date of Conviction: 02/06/2013
Disposition: Fined $3,158.00; 24 months probation; 72 hours to serve in the Towns County Jail; License Suspension; 30 days
Probation; 72 hours to serve in the Towns County Jail; License Suspension; 30 days
Obtain a Clinical Evaluation; Drug Screen; Obtain a Clinical Evaluation; Ignition Interlock Device; Drug Screening
TDHerald-2/08

NOTICE OF 2ND DUI CONVICTION
Towns County Probate Court
Name of Offender: Kylene Catherine Dunlap
Address of Offender: 125 Cane Creek Ridge, Blairsville, GA 30512
County of Residence: Union
Date of Arrest: 10/06/12
Place of Arrest: Towns County
Date of Conviction: 02/06/2013
Disposition: Fined $1,390.00; 12 months probation; 72 hours to serve in the Towns County Jail; License Suspension; 30 days
Probation; 72 hours to serve in the Towns County Jail; License Suspension; 30 days
Obtain a Clinical Evaluation; Ignition Interlock Device; Drug Screening
TDHerald-2/08

NOTICE OF 2ND DUI CONVICTION
Towns County Probate Court
Name of Offender: Kathryn Shannon Neace
Address of Offender: 1412 Rogers Road, Hiawassee, GA 30546
County of Residence: Towns
Date of Arrest: 07/12/12
Place of Arrest: Towns County
Date of Conviction: 12/04/12
Disposition: Fined $2,510.00; 36 months probation; 72 hours to serve in the Towns County Jail; License Suspension; 30 days of Community Service Work; DUI school; Obtain a Clinical Evaluation; Ignition Interlock Device; Declared Habitual Violator
TDHerald-2/08

NOTICE OF 3RD DUI CONVICTION
Towns County Probate Court
Name of Offender: Kerry Shannon Neace
Address of Offender: 1412 Rogers Road, Hiawassee, GA 30546
County of Residence: Towns
Date of Arrest: 07/12/12
Place of Arrest: Towns County
Date of Conviction: 12/04/12
Disposition: Fined $3,684.00; 36 months probation consecutive to Towns County Probate Case Number; 2012T305; 15 days to serve in the Towns County Jail; License Suspension; 30 days of Community Service Work; DUI school; Obtain a Clinical Evaluation; Ignition Interlock Device; Declared Habitual Violator
TDHerald-2/08

NOTICE OF SALE UNDER POWER
GEORGIA, TOWNS COUNTY
Under and by virtue of the power of the indebtedness, secured by a Security Deed executed by Derek D Taylor and Mary Ann W Taylor to National City Mortgage Co. dated May 12, 2006, in the amount of $121,000 and recorded in Deed Book 273, Page 15, Clerk's Office, Towns County, Georgia, transferred to PNC Bank, National Association, successor in interest to National City Real Estate Services, LLC, successor by merger to National City Mortgage Inc., formerly known as National City Mortgage Co pursuant to said Security Deed and the indebtedness thereby secured, the undersigned will sell at public outcry to the highest bidder for cash, before the courthouse door in Towns County, sell at public outcry to the highest bidder for cash, the property described in said deed to-wit:
All that tract or parcel of land lying and being in Land Lot 125, 17th District, 1st Section, Towns County Georgia, containing 2.413 acres as shown on a plat of survey by Terrell Associates, Inc., dated 9/24/96, recorded in Plat Book 24, Page 164, Towns County Georgia, which description and said plat is incorporated herein by reference. The property is subject to the overhead power lines and power pole as shown on said plat.
which has the property address of 1988 Jack Dyer Rd, Hiawassee, Georgia, together with all fixtures and other personal property covered by said deed.
The sale will be held subject to any unpaid Towns County taxes, rights-of-way, easements, protective covenants or restrictions, liens, and other matters of record which may affect said property.
The sale will be conducted subject (1) to confirmation that the sale is not prohibited under the U.S. Bankruptcy Code and (2) to final confirmation and audit of the status of the loan with the holder of the security deed.
Notice has been given of intention to collect attorneys' fees in accordance with the terms of the note secured by said deed. Notice has been also given, in writing and by publication, of the intention of the holder, to the borrower, of the name, address, and telephone number of the individual or entity who shall have full authority to negotiate, amend, and modify all terms of the Security Deed and the note thereby secured in accordance with O.C.G.A. Section 44-14-162.2(a).
Said property will be sold as the property of Derek D Taylor and Mary Ann W Taylor and the proceeds of said sale will be applied to the payment of said indebtedness, the expense of said sale, all as provided in said deed, and the undersigned will execute a deed to the purchaser as provided in the Georgia Code of Georgia Annotated.
PNC Bank, National Association, successor in interest to National City Real Estate Services, LLC, successor by merger to National City Mortgage, Inc., formerly known as National City Mortgage Co
Attorney in Fact for
Derek D Taylor and Mary Ann W Taylor
McCurdy & Candler, LLC
(404) 373-1612
www.mccurdycandler.com
Towns County Herald
Publication Dates: 02-06-2013, 03-13-2013, 03-20-2013, 03-27-2013, 04-03-2013, 04-10-2013, 04-17-2013, 04-24-2013, 05-01-2013
File No. 12-06123 /FRA/Hawsson
THIS LAW FIRM IS ACTING AS A DEBT COLLECTOR AND IS ATTEMPTING TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.
TDHerald-1,13,20,27,Apr13,10,17,24,May1/8

NOTICE OF PETITION TO CHANGE NAME
Civil Action File No. 13-CV-49-MM
Petitioner: John Michael Lety
Notice is hereby given that John Michael Lety, the undersigned, filed his petition to change his name in Towns County, Georgia, on the 20th day of February, 2013, praying for change in the name of petitioner from John Michael Lety to Mike J. Lety.
Notice is hereby given pursuant to law to any interested or affected party to appear in said court to file objections to such name change. Objections must be filed with said Court within 30 days of the filing of said petition.
This 20th day of February 2013
Clerk of Superior Court
TDHerald-1,13,20,27/08

NOTICE OF SALE UNDER POWER
GEORGIA, TOWNS COUNTY
Because of a default in the payment of the indebtedness secured by a Security Deed executed by Michael P. Dunn to Mortgage Electronic Registration Systems, Inc. acting nominee for Acopia, LLC dated July 29, 2011, and recorded in Deed Book 486, Page 289, Towns County Records, said Security Deed having been last sold, assigned, transferred and conveyed to Wells Fargo Bank, N.A. by assignment, securing a note in the original principal amount of $126,000, the holder thereof pursuant to said Deed and Note thereby secured has declared the entire amount of said indebtedness due and payable and, pursuant to the power of sale contained in said Deed, will on the first Tuesday April 2, 2013, during the legal hours of sale, before the Courthouse door in said County, sell at public outcry to the highest bidder for cash, the property described in said Deed to-wit:
All that tract or parcel of land lying and being in Land Lot 196, 14th District, 1st Section, Towns County, Georgia, and being Lot 1, containing 0.92 acres as shown on a plat of survey done by Landtech Services, Inc., dated August 15, 2007 and filed and recorded at Plat Book 37, Page 205, Towns County, Georgia and the 10 foot ingress and egress easement as shown crossing Lot 2 on the plat recorded at Plat Book 37, Page 205, Towns County, Georgia records.
Said property is known as 266 Highland Hill, Hiawassee, GA 30546, together with all fixtures and personal property attached to and constituting a part of said property, if any.
Said property will be sold subject to any outstanding ad valorem taxes (including taxes which are a lien, whether or not now due and payable), the right of redemption of any taxing authority, any matters which might be disclosed by an accurate survey or by an inspection of the property, all zoning ordinances, easements, encumbrances, covenants, and other matters of record superior to said Security Deed.
To the best of the knowledge and belief of the undersigned, the property (or parcel) in possession of the property is Margaret H. Pulliam, Stanley D. Pulliam, Steven E. Lusty, Ginger E. Lusty, Christopher J. Lusty, Liam, STEVEN E. LUSTY, GINGER J. LUSTY, or Tenant(s).
The sale will be conducted subject (1) to confirmation that the sale is not prohibited under the U.S. Bankruptcy Code and (2) to final confirmation and audit of the status of the loan with the holder of the Security Deed.
Bank of America, N.A., holds the duly endorsed Note and is the current assignee of the Security Deed to your property. Bank of America, N.A., acting on behalf of and as necessary, in consultation with Federal National Mortgage Association (the current investor on your loan), is the entity with the full authority to negotiate, amend and modify all terms of your loan. Pursuant to O.C.G.A. § 44-14-162.2, you may contact Bank of America, N.A. at:
Bank of America, N.A.
Home Loan Assistance Dept
7105 Corporate Drive
Plano, TX 75024
1-800-669-6650
Please note that, pursuant to O.C.G.A. § 44-14-162.2, you are not obligated to pay fee to an amendment or modification of the terms of your loan.
BANK OF AMERICA, N.A., SUCCESSOR BY MERGER TO BAC HOME LOANS SERVICING, LP FKA COUNTRYWIDE HOME LOANS SERVICING, LP
as Attorney in Fact for
MARGARET H. PULLIAM AND STANLEY D. PULLIAM
THE BELOW LAW FIRM MAY BE HELD TO BE ACTING AS A DEBT COLLECTOR. UNDER FEDERAL LAW, IF SO, ANY INFORMATION OBTAINED WILL BE USED FOR THAT PUROPSE.
Attorney Contact: Robin Lublin, LLC, 3740 Davinci Court, Suite 150, Peachtree Corners, GA 30092
Telephone Number: (877) 813-0992 Case No. BAC-10-10134-0004
Ad Run Dates: 03/06/2013, 03/13/2013, 03/20/2013, 03/27/2013
www.rublinlublin.com/property-listings.php
TDHerald-1,13,20,27/08

NOTICE OF SALE UNDER POWER
IN SECURITY DEED
STATE OF GEORGIA
COUNTY OF TOWNS
Under and by virtue of the Power of Sale contained in the Deed to Secure Debt from Bobby Lewis Ledford to Bank of Hiawassee, dated May 12, 2006, and recorded in Deed Book 371, Page 1, in the office and the Clerk of the Superior Court of Towns County, Georgia, as last modified by that certain Modification Agreement Memorandum Recorded in Deed Book 2011, recorded in Deed Book 487, Page 760, aforesaid records; as assigned by Citizens Bank Bank in that certain Memorandum of Purchase and Assumption Agreement and Assignment Agreement, dated March 16, 2010, filed December 29, 2010 in Deed Book 486, Page 790, aforesaid records; as assigned, transferred and modified from time to time, collectively the "Deed to Secure Debt", and conveyed all and of public outcry to the highest and best bidder for cash before the door of the Courthouse of Towns County, Georgia, during the legal hours of sale, on the first Tuesday in April, 2013, the following described real property, to wit:
ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 77, 17TH DISTRICT, 1ST SECTION OF TOWNS COUNTY, GEORGIA, CONTAINING 0.92 ACRES, MORE OR LESS, OF OLD BRASS-TOWN ESTATES AS SHOWN ON A PLAT OF SURVEY BY NORTHSTAR LAND SURVEYING, INC., DATED MAY 11, 2006, RECORDED IN PLAT BOOK 28, PAGE 134, TOWNS COUNTY, GEORGIA RECORDS, WHICH PLAT IS INCORPORATED HEREIN BY REFERENCE FOR A GENERAL DESCRIPTION PURPOSES, SUBJECT TO ALL MATTERS AND CONDITIONS, BEING MORE PARTICULARLY DESCRIBED BY REFERENCE TO THE RECORDED PLAT OF SURVEY.
THIS PROPERTY IS CONVEYED TOGETHER WITH AND SUBJECT TO A NON-EXCLUSIVE, PERPETUAL EASEMENT FOR INGRESS, EGRESS AND UTILITIES, 50 FEET IN WIDTH, WITH CENTERLINE LIKE AS SHOWN ON THE ABOVE REFERRED TO PLAT OF SURVEY. SUBJECT TO ALL EASEMENTS, COVENANTS AND RESTRICTIONS PERTAINING TO OLD BRASSTOWN ESTATES AS RECORDED IN DEED BOOK 243, PAGE 731, AND AMENDED IN DEED BOOK 250, PAGE 1, TOWNS COUNTY, GEORGIA RECORDS.
WITNESS MY HAND AND SEAL THIS 11TH DAY OF FEBRUARY, 2013.
Bank of Hiawassee
Bobby Lewis Ledford to Bank of Hiawassee
Bank is the original principal amount of $157,500, as last modified by that certain Modification Agreement dated January 6, 2011 Outstanding principal balance: $175,941.83 (as same may have been further modified, renewed or extended and collectively the "Note"); plus interest from date on the unpaid balance and other sums due and indebtedness.
Default has occurred and continues under the terms of the Note and Security Deed by reason of, without limitation, failure of default, the nonpayment when due of the principal installments of the Note and secured by the Security Deed and the failure to comply with the terms and conditions of the Note and Security Deed. By reason of this default, the undersigned has been declared foreclosable according to its terms.
The above-described real property will be sold to the highest and best bidder for cash as the property of Bobby Lewis Ledford, the mortgagor, and subject to the payment of said indebtedness, attorneys' fees, and the expenses of said sale, and the proceeds of said the Note and Security Deed. The sale shall be subject to any unpaid taxes and outstanding ad valorem taxes and/or assessments, if any; rights-of-way, easements, of the Internal Revenue Service, if any; and all prior assessments, liens, encumbrances, and matters of record.
To the best of the undersigned's knowledge and belief, the real property is presently owned by Bobby Lewis Ledford.
To the best of the undersigned's knowledge and belief, the party in possession of the real property is Bobby Lewis Ledford, and tenants holding under the said.
Park Sterling Bank, successor by merger to Citizens South Bank, successor in interest to Bank of Hiawassee, as Attorney-in-Fact for Bobby Lewis Ledford
M. Todd Westfall, Esquire
Nowick, Westfall, McBryan & Kaplan, LLP
Suite 500, One Piedmont Center
3101 Towercreek Parkway
Atlanta, Georgia 30339
(678) 384-7005
TDHerald-1,13,20,27/08

NOTICE OF SALE UNDER POWER
GEORGIA, TOWNS COUNTY
By virtue of a Power of Sale contained in that certain Security Deed from Margaret H. Pulliam and Stanley D. Pulliam to Mortgage Electronic Registration Systems, Inc. acting solely as nominee for Acopia, LLC, recorded Corporation, dated September 21, 2005, and recorded in Deed Book 26, Page 1, Towns County Records, as last transferred to The Bank of New York, as successor in interest to JPMorgan Chase Bank, N.A. formerly known as Bank One, N.A. successor by merger to First Chicago NBD Corporation, dated September 21, 2005, and recorded in Deed Book 26, Page 1, Towns County Records, said Security Deed having been given to secure a Note of even date in the original principal amount of Two Hundred Ninety-Nine Thousand Two Hundred Fifty and 00/100 Dollars ($299,250.00), with interest thereon as provided for therein, said Security Deed and Note having been last assigned and transferred to BANK OF AMERICA, N.A., SUCCESSOR BY MERGER TO BAC HOME LOANS SERVICING, LP FKA COUNTRYWIDE HOME LOANS SERVICING, LP and default having occurred, the undersigned will sell at public outcry to the highest bidder for cash, before the courthouse door of Towns County, Georgia, within the legal hours of sale, on the first Tuesday in April, 2013, all property described in said Security Deed including but not limited to the following described property:
ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 78, 16TH DISTRICT, 1ST SECTION, TOWNS COUNTY, GEORGIA AND BEING UNIT 3 a/k/a LOT 3, OF LAKECLIFF RAPID HOMES AS SHOWN ON PLAT OF SURVEY BY BLAIRSVILLE SURVEYING, BLUEPRINTS NOTICE/REVISIONS DATED 05/11/04 AND REVISED ON 08/24/04 AND RECORDED IN PLAT BOOK 24, PAGE 267, TOWNS COUNTY, GEORGIA RECORDS, WHICH PLAT IS BY REFERENCE INCORPORATED HEREIN AND MADE A PART HEREOF.
THE PROPERTY IS SUBJECT TO THE RESTRICTIVE COVENANTS AND TERMS PERTAINING TO LAKESCAPE PATIO HOMES AS RECORDED IN DEED BOOK 316, PAGES 275-283 AND DEED BOOK 341, PAGE 811, TOWNS COUNTY, GEORGIA RECORDS.
THE PROPERTY IS SUBJECT TO THE ROAD RIGHT OF WAY AS SHOWN ON THE PLAT OF SURVEY.
THE PROPERTY IS SUBJECT TO THE FLOWAGE RIGHTS OF THE TVA FOR THE PROPERTY THAT IS BELOW THE 1933 CONTOUR LINE OF LAKE CHATUGE.
ALSO AND BEING IN THIS CONVEYANCE IS THE RIGHT OF INGRESS AND EGRESS TO AND FROM THE SHORE OF LAKE CHATUGE, OVER, UPON AND ACROSS THE LANDS ADJOINING UNIT 3 BETWEEN THE 1933 CONTOUR ELEVATION CONTOUR LINE AND THE WATERS OF LAKE CHATUGE.
Said legal description being controlling, however the property is commonly known as 599 Hiawassee Estates Unit 3, Hiawassee, GA 30546.
The indebtedness secured by said Security Deed has been and is hereby declared due because of default under the terms of said Security Deed and Note, including but not limited to the nonpayment of the indebtedness as and when due. The indebtedness remaining in default, this sale will be made for the purpose of paying the same, all expenses of the sale, including attorneys' fees incident to said sale, paying prior liens and all other payments provided for under the terms of the Security Deed and Note.
Said property will be sold on an "as-is" basis without any warranties or representations or recourse against the above-named creditor or the undersigned and will be sold subject to the following items which may affect the title: unpaid taxes or assessments, taxes (including taxes which are a lien, whether or not now due and payable); the right of redemption of any taxing authority; matters which would be disclosed by an accurate survey or by an inspection of the property; all zoning ordinances; easements; liens; encumbrances; restrictions; covenants, and other matters of record superior to said Security Deed.
To the best of the knowledge and belief of the undersigned, the property (or parcel) in possession of the property is Margaret H. Pulliam, Stanley D. Pulliam, Steven E. Lusty, Ginger E. Lusty, Christopher J. Lusty, LIAM, STEVEN E. LUSTY, GINGER J. LUSTY, or Tenant(s).
The sale will be conducted subject (1) to confirmation that the sale is not prohibited under the U.S. Bankruptcy Code and (2) to final confirmation and audit of the status of the loan with the holder of the Security Deed.
Bank of America, N.A., holds the duly endorsed Note and is the current assignee of the Security Deed to your property. Bank of America, N.A., acting on behalf of and as necessary, in consultation with Federal National Mortgage Association (the current investor on your loan), is the entity with the full authority to negotiate, amend and modify all terms of your loan. Pursuant to O.C.G.A. § 44-14-162.2, you may contact Bank of America, N.A. at:
Bank of America, N.A.
Home Loan Assistance Dept
7105 Corporate Drive
Plano, TX 75024
1-800-669-6650
Please note that, pursuant to O.C.G.A. § 44-14-162.2, you are not obligated to pay fee to an amendment or modification of the terms of your loan.
BANK OF AMERICA, N.A., SUCCESSOR BY MERGER TO BAC HOME LOANS SERVICING, LP FKA COUNTRYWIDE HOME LOANS SERVICING, LP
as Attorney in Fact for
MARGARET H. PULLIAM AND STANLEY D. PULLIAM
THE BELOW LAW FIRM MAY BE HELD TO BE ACTING AS A DEBT COLLECTOR. UNDER FEDERAL LAW, IF SO, ANY INFORMATION OBTAINED WILL BE USED FOR THAT PUROPSE.
Attorney Contact: Robin Lublin, LLC, 3740 Davinci Court, Suite 150, Peachtree Corners, GA 30092
Telephone Number: (877) 813-0992 Case No. BAC-10-10134-0004
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TDHerald-1,13,20,27/08

STATE OF GEORGIA
COUNTY OF TOWNS
Under and by virtue of the Power of Sale contained in the Deed to Secure Debt given by Jerry E. Generas and Cindy C. Arrington to Citizens Fidelity Mortgage Corp., dated January 28, 2003, recorded on February 3, 2003, in Deed Book 280, Page 243, Towns County, Georgia Records, said Security Deed having been last sold, assigned, transferred and conveyed to Deutsche Bank National Company, as Trustee of Residential Asset Securitization Trust Series 2003-A8, Mortgage Pass-Through Certificates, Series 2003-8 under the Pooling and Servicing Agreement dated February 1, 2003, the secured creditor, by Assignment, dated June 29, 2012, in Deed Book 515, Page 572, Towns County, Georgia Records, conveying the after-described property to secure a Note in the original principal amount of Two Hundred Eight Thousand and 00/100 DOLLARS ($208,000), with interest thereon set forth therein, the undersigned, or a sufficient number of them to exercise the power of sale, will on the first Tuesday in April, 2013, to wit: April 2, 2013, during the legal hours of sale, before the Courthouse door in said County, sell at public outcry, to the highest bidder for cash, the property described in said Deed, to-wit:
ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 310 AND 311, 1ST DISTRICT, 1ST SECTION, TOWNS COUNTY, GEORGIA, CONTAINING 0.824 ACRES, MORE OR LESS, AS MORE FULLY SHOWN ON PLAT OF SURVEY BY TAMKO ENGINEERING, INC. DATED 12/17/97 AND REVISED 02/23, 03/23, 04/23, 05/23, 06/23, 07/23, 08/23, 09/23, 10/23, 11/23, 12/23, 01/23,